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Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Bulgaria*

The present report is a summary of 12 stakeholders' submissions[1] to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.

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Information provided by stakeholders

A. Background and framework

1. Scope of international obligations[2]

1. Joint Submission (JS) 1 recommended ratification of OP-ICESCR.3 JS5 recommended ratification of OP-CRC-IC.[4]

2. JS1 recommended ratification of the Council of Europe (CoE) Convention on Preventing and Combating Violence against Women and Domestic violence and of the Protocol 12 to the ECHR.[5]

2. Constitutional and legislative framework

n/a

3. Institutional and human rights infrastructure and policy measures

3. The Commissioner for Human Rights of CoE (CoE-Commissioner) recommended that Bulgaria ensure a sufficient allocation of resources to national human rights protection bodies, in particular the Commissioner for Protection against Discrimination (CPD) and the Ombudsman.[6] The European Commission against Racism and Intolerance (CoE-ECRI) reiterated its recommendation that Bulgaria set up local offices of CPD and provide them with adequate resources.[7]

B. Cooperation with human rights mechanisms

4. JS5 stated that the recommendation no. 110[8], that was put forward during the universal periodic review in 2010 (UPR), to undertake a transparent and inclusive process with civil society in the implementation of the UPR recommendations was not implemented. It highlighted a need for effective public consultation and the inclusion of civil society in decision making processes.[9]

C. Implementation of international human rights obligations

1. Equality and non-discrimination

5. JS1 stated that no specific legislation on gender equality was adopted and that no specialized body was created to implement the policy on gender equality.[10] It concluded that Bulgaria did not implement the UPR recommendations calling for the adoption of legislation on gender equality.[11] JS1 recommended adopting and implementing a specific legislation on equality between men and women.[12]

6. JS1 referred to the 2010 annual report of the Commission for Protection against Discrimination, indicating that deeply-rooted stereotypes were a serious obstacle for achieving gender equality.[13] JS2 stated that effective measures to address gender stereotypes, including in media and advertising, were not taken.[14] JS1 recommended adopting a comprehensive approach to overcome traditional stereotypes regarding the roles of women in family and society.[15]

7. The Advisory Committee on the Framework Convention for the Protection of National Minorities of CoE (CoE-ACFC) stated that the overall climate as regards inter-

ethnic tolerance deteriorated. Racism became increasingly widespread in political discourse and the media.[16] CoE-ECRI stated the main targets of racist hate speech were Roma, Muslims, Jews, Turks and Macedonians.[17] European Union Agency for Fundamental Rights (EU-FRA) referred to anti-Roma demonstrations.[18] CoE-ECRI stated that the authorities rarely voiced any counter-hate speech message to the public. Few cases of hate speech reached courts and the conviction rate was low.[19]

8. CoE-ECRI stated that racist violence continued to be perpetrated against Roma, Muslims, Jews and non-traditional religious groups.[20] CoE-Commissioner,[21] CoE-ACFC[22] and Amnesty International (AI)[23] made similar observations.

9. AI referred to its research findings, suggesting that the criminal justice system continued to fail to thoroughly investigate and prosecute crimes where discrimination was an alleged motive. In many of the cases the investigation and prosecution considered the motive to be hooligan rather than racial in nature.[24] CoE-ECRI made a similar observation.[25] It stated that the authorities did not introduce a provision in the Criminal Code making racist motivation an aggravating circumstance for all criminal offences. [26]

10. AI noted that Bulgaria accepted the UPR recommendations nos. 39, 40, 41 and 42[27] to prevent and punish religious hatred, discrimination, racism, extremism and xenophobia and human rights violations committed against minorities. AI was concerned that the Government's commitment to prevent, address and remedy hate crimes did not result in the adoption of adequate measures to tackle the issue. Both the legal framework and practice fell short of the requirements of international human rights standards on hate crimes.[28]

11. CoE-ACFC recommended that Bulgaria condemn hate crimes and hate speech and ensure that all racially motivated offences are effectively identified, investigated and prosecuted.[29] AI, [30] CoE-ECRI[31] and CoE-Commissioner [32] made similar recommendations. CoE-ECRI recommended that the authorities insert a provision in the Criminal Code expressly stating that racist motivation for any ordinary offence constitutes an aggravating circumstance.[33]

12. CoE-ACFC recommended combatting manifestations of racism and intolerance in the media and promoting tolerance, understanding and intercultural dialogue among the population.[34] CoE-ECRI recommended that the authorities encourage the Council for Electronic Media to take action in all cases of dissemination of hate speech and to raise the fines for violations of legal provisions relating to hate speech and make greater use of the possibility of revoking broadcasting licences where appropriate.[35]

13. CoE-ECRI noted a growing number of ultra-nationalist/fascist groups and political parties.[36] EU-FRA made a similar observation.[37] CoE-ECRI recommended that the authorities: keep a close watch over the numerous extremist groups and political parties and take swift action against any criminal activities in which they engage. including incitement to discrimination, hatred and violence;[38] and include an obligation to suppress public financing of organisations or political parties which promote racism.[39]

14. AI stated that several far-right groups held anti-immigrant protests in 2013 in response to the sharp increase of refugees and migrants entering Bulgaria. It referred to reported attacks by individuals and organized groups, spreading fear among the migrant communities.[40] CoE-ACFC made a similar observation.[41] COE-ECRI recommended an awareness-raising campaign, promoting a positive image of and tolerance for asylum seekers and refugees.[42]

15. CoE-ECRI noted hate speech targeting sexual orientation and that hate speech or violence targeting sexual orientation or gender identity was not recognised as an offence in the Criminal Code.[43] AI referred to reported cases of violence and attacks against LGBTI

persons or those who are perceived as having a different sexual orientation or gender identity.[44]

16. CoE-ECRI recommended that an action plan be adopted to combat homophobia and transphobia and that sexual orientation and gender identity be included in all the articles of the Criminal Code addressing hate speech and hate crime.[45] It recommended that the Anti-discrimination Act be amended to include gender identity as a ground of discrimination and that legislation be developed on gender recognition and gender reassignment.[46]

2. Right to life, liberty and security of the person

17. JS5 stated that the UPR recommendation no 58[47] to bring to justice persons and social institutions for children responsible for a large number reported deaths in the period of 2000-2010 was not implemented. There was no single indictment against those responsible for the deaths.[48]

18. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE-CPT) recommended that Bulgaria ensure that there is zero tolerance of ill-treatment of prisoners[49] and that the Minister of Internal Affairs deliver a firm message of "zero tolerance" of ill-treatment to all police staff.[50]

19. CoE-CPT stated that prison overcrowding remained a major problem, with the prison population on the rise and that the implementation of the plans to build three new prions was postponed.[51] It was concerned by the lack of progress regarding prison staffing levels as they remained insufficient to improve the treatment of prisoners.[52] CoE-CPT recommended that Bulgaria inter alia redouble its efforts to combat prison overcrowding by implementing policies designed to limit or modulate the number of persons sent to prison.[53]

20. CoE-CPT recommended that all prisoners be seen by a health-care staff member immediately upon arrival, as specified in the law and that prison health-care services perform a thorough screening of newly-arrived prisoners for injuries.[54] It recommended that the Ministry of Health become more actively involved in supervising the standard of care in places of deprivation of liberty. Consideration should be given to transferring the responsibility for prison health-care from the Ministry of Justice to the Ministry of Health.[55]

21. CoE-CPT recommended that the authorities carry out a thorough investigation into the problem of inter-prison violence and develop a national strategy to address this problem.[56]

22. CoE-CPT noted that no progress was made as regards the removal from the Criminal Code of the sentence of "life imprisonment without the right to substitution" (i.e. without possibility of parole). It reiterated its serious reservations about the very concept according to which life-sentenced prisoners were considered once and for all to be a permanent threat to the community and were deprived of any hope of being granted conditional release. CoE-CPT called on Bulgaria to amend the legislation with a view to making conditional release (parole) available to all life-sentenced prisoners, subject to a review of the threat to society posed by them on the basis of an individual risk assessment.[57] It urged the authorities to strive to increase the number of life-sentenced prisoners integrated into the general prisoner population.[58]

23. JS3 stated that domestic violence was a widespread problem.[59] JS1 considered that Bulgaria did not implement the UPR recommendations to combat gender based violence. No legal and other measures were undertaken to ensure effective protection of the victims of sexual violence.[60]

24. JS3 stated that the Law on Protection against Domestic Violence (LPADV) offered no criminal prosecution except where the offender violated the order for protection.[61] It stated that few procedures for violations of orders for protection were initiated, and

ineffective police responses to those violations meant that most cases did not reach the prosecutor.[62]

25. JS1 stated that light and medium bodily injuries, caused within the context of domestic violence, were prosecuted in a private complaint procedure on the initiative of the victim.[63] JS3 stated that victims who sustained medium-level injuries from a relative must proceed through the criminal justice system without the help of a prosecutor and must locate and call their own witnesses and present their own evidence in court. Without a state prosecutor to institute criminal prosecution, a perpetrator of such an injury could easily influence a victim not to prosecute, given their close relationship and the power and control over victims exercised by the perpetrator.[64] It concluded that the Criminal Code denied victims of domestic violence effective access to the criminal justice system. Responsibility for prosecuting violence against women should lie with public prosecution authorities and not with victims, regardless of the level or type of injury.[65]

26. JS3 noted that the Criminal Code did not explicitly prohibit marital rape. Other crimes, including domestic violence and murder of domestic violence victims, were not classified as aggravated crimes under the law.[66] JS1 made a similar observation.[67]

27. JS1 recommended that Bulgaria classify all forms of violence within the family as criminal offences, including domestic violence.[68] JS3 recommended that Bulgaria allow state prosecution in cases of low and medium-level assaults when the victim and perpetrator are related.[69]

28. JS2 noted a reduction of public funds allocated for NGO projects for the implementation of LPADV.[70] JS3 recommended that Bulgaria support and fund NGOs to continue providing services for victims of domestic violence.[71]

29. JS1 noted reports, indicating that verbal and physical abuse of women by hospital staff during abortion and delivery were common, albeit primarily verbal.[72] It recommended investigating cases of abuse of women in hospitals during childbirth, miscarriage or abortion.[73]

30. JS2 noted the prevalence of early and forced marriage of girls, mainly of Roma origin.[74]

31. JS5 stated that the UPR recommendation no. 51[75] related to policies on child abuse was not implemented. The adoption of a new Children's Act was put on hold and the capacity of social workers was limited.[76]

32. The Group of Experts on Action against Trafficking in Human Beings of CoE (CoE-GRETA) noted that Bulgaria was predominantly a country of origin of victims of human trafficking and thus, prevention was a strong aspect of the actions taken by the authorities.[77] JS5 stated that the recommendation no. 57[78] to prevent human trafficking and to strengthen the national referral system was not implemented as no measures were taken to address the root causes.[79]

33. CoE-GRETA noted that the Roma community was highly affected by the problem of human trafficking.[80] However, the preventive measures aimed at raising broad awareness rather than focusing on the most vulnerable groups. The activities aimed at prevention of human trafficking usually took place in big towns and there was a shortage of preventive measures that took place in Roma neighbourhoods.[81] CoE-GRETA stated that the fact that the Roma community had an oral culture limited the impact of written information materials.[82]

34. CoE-GRETA urged Bulgaria to develop the aspect of prevention in the Roma community through specific campaigns which are not based on written materials.[83] It also

urged to strengthen the prevention through social and economic empowerment measures for groups vulnerable to human trafficking.[84]

35. CoE-GRETA urged Bulgaria to take legislative measures allowing for the possibility of not imposing penalties on victims of human trafficking for their involvement in unlawful activities to the extent that they were compelled to do so.[85] It recommended that Bulgaria develop the institutional and procedural framework for the repatriation and return of victims of human trafficking, with due regard to their safety, dignity and protection.[86]

36. CoE-GRETA urged the authorities to ensure that assistance measures for victims of trafficking provided for in law are guaranteed in practice. It stressed the need to set up a sufficient number of shelters for victims of trafficking and to ensure that the conditions provided in the shelters are adequate. It was necessary to provide victims of human trafficking with vocational training and access to the labour market with a view to improving their chances to reintegrate in society and to avoid re-trafficking.[87]

37 CoE-GREAT stated that despite the existence of legal possibilities for compensation of victims of human trafficking, there appeared to be difficulties in practice for victims to receive compensation. In particular, the procedure required them to provide copies of bills (e.g. from a pharmacy, doctor) as proof of damage.[88] JS1 stated that the law did not provide for financial compensation of moral damages but only provided for financial compensation of a list of pecuniary damages.[89]

3. Administration of justice, including impunity, and the rule of law

38. CoE-CPT reiterated its recommendations that: the authorities recall to all police officers the legal obligation to grant access to a lawyer from the very outset of a person's deprivation of liberty; and that steps be taken, in consultation with the Bar Association, to make the system of legal aid effective, inter alia through the provision of proper funding and practical arrangements.[90]

39. CoE-Commissioner reiterated his recommendation to establish an independent police complaints mechanism for the impartial investigation of alleged police misconduct.[91]

40. CoE-CPT recommended ensuring that the right of prisoners to lodge confidential complaints and to receive replies to them in due time is fully respected, by guaranteeing in practice that complainants will be free from reprisals.[92]

41. JS5 stated that the 2011 Concept on juvenile justice and the 2013 Road Map for the implementation of the Concept were not implemented. The rights of children in conflict with law continued to be violated. It concluded that the recommendations no 64 and no 67[93] to ensure effective juvenile system were not implemented.[94]

42. CoE-CPT was concerned by the large number of allegations of corrupt practices by prison staff received at Burgas and Varna Prisons. It called upon the authorities to combat the phenomenon of corruption in all prisons and that a comprehensive and independent inquiry be conducted into allegations of corruptions in Burgas and Varna Prisons.[95]

4. Right to family life

43. CoE-Commissioner was concerned at reports indicating that the situation of children living in some institutions remained substandard. He referred to the research findings, revealing that children in institutions were subjected to practices of malnourishment, violence, physical restraint and incapacitating drugs. Sick children were sometimes not hospitalised, or were hospitalised too late, and basic needs such as adequate heating, food and vital medication were not provided. Overcrowding and the small size of rooms fostered acts of aggression and self-injury.[96]

44. JS5 stated that the UPR recommendation no 15[97] to establish procedures and mechanisms in order to ensure the health and safety of all children in institutions, including a child ombudsman was not implemented. The reform on institutional care did not provide for procedures and mechanism to ensure the health and safety of children in institutions and a child ombudsman was not established.[98]

45. JS5 noted the strategy for deinstitutionalisation of children. However, the approach should be changed from replacing large-scale institutions with small ones to the provision of adequate personal assistance, development of a housing policy and support for independent living in the community. It considered that the UPR recommendation no. 20[99] on the deinstitutionalisation partially implemented.[100]

5. Freedom of expression, and right to participate in public and political life

46. The Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe (OSCE-ODIHR) noted a growing concentration of media ownership in the hands of a restricted circle of businesspeople. Media ownership and funding lacked transparency.[101] It stated that political and business connections of media owners or editors were considered to contribute to self-imposed censorship and to less investigative journalism.[102]

47. CoE-ACFC stated that persons belonging to some national minorities continued to be represented in Parliament, and, in regions where minorities lived in substantial numbers, they were mayors and members of locally elected bodies. However, the Roma minority remained largely side-lined from the legislative and executive spheres.[103] OSCE-ODHIR noted that the composition of the 2013 parliament was the first one without any Roma representative since 1991.[104]

48. CoE-ACFC called on the authorities to remove obstacles to and promote a better participation and representation of the Roma and numerically smaller minorities at all levels.[105] It recommended that persons belonging to national minorities be able to participate effectively in decision-making.[106]

49. EU-FRA noted that Bulgaria prohibited people with disabilities who had been deprived of their legal capacity from voting.[107]

6. Right to health

50. JS2 highlighted the high percentage of the population without effective access to quality health care and the reduction in health care budget for the period of 2008-2013. It mentioned corruption of the health care system as one of the obstacles to effective access to health care.[108]

51. JS1 noted information, indicating high levels of pregnancies among young persons between 15 and 19 years of age.[109] JS4 made a similar observation.[110] JS1 recommended that Bulgaria reduce teenage pregnancy.[111]

52. JS1 stated that Bulgaria had high abortion rates.[112] JS4 stated that abortion was perceived as a family planning method and awareness about family planning methods was low. Access to modern contraceptive methods was limited and the National Health Insurance Fund did not cover contraceptives.[113] CoE-ECRI noted that sex education was not part of the basic curriculum, but aspects of it came up in health education and subjects as biology and man and nature.[114]

53. JS1 recommended that Bulgaria ensure effective access to modern contraceptives and introduce compulsory sexuality education in schools.[115] JS4 recommended adopting a National Program on Sexual and Reproductive Health.[116]

54. JS1 referred to information, indicating a high percentage of newly registered HIV infections among young persons.[117]

55. The Bulgarian Family Planning and Sexual Health Association (BFPA) stated that syphilis was removed from the list of socially significant diseases and that state funding and support for the treatment and care for syphilis decreased significantly. The dispensaries dealing with syphilis were transformed as healthcare centers within the municipality system and major part of them stopped implementing the function of dispensaries. Free of charge treatment were possible only when a woman was pregnant and infected with syphilis. The financial barrier hindered persons infected with syphilis to receive adequate treatment.[118] BFPA recommended that Bulgaria include syphilis in the list of infectious diseases that need compulsory treatment and ensure appropriate funding for the dispensers for the screening, diagnosis and treatment of syphilis and STIs.[119]

7. Persons with disabilities

56. JS5 noted the efforts that were undertaken to close institutions for children with disabilities. However, it noted with concern that the establishment of alternative centres with a capacity up to 15 children, which were far from being a family-type, was a replacement of large-scale institutions with small ones. It highlighted a need of adopting human rights based approach to children and persons with disabilities. JS5 concluded that the UPR recommendation no 19[120] to accommodate the needs of mentally disabled children was not implemented.[121]

57. JS5 stated that the number of special schools for children with disabilities reduced, and the number of those children in kindergartens and schools increased. However, it was necessary to ensure the quality of inclusive education. It concluded that the UPR recommendation no. 98[122] on inclusion of children with disabilities in the general school system and on reduction of the number of schools for children with special educational needs was partially implemented.[123]

58. JS2 noted the lack of access of persons with disabilities to labour market and to medical and social services tailored for their needs. There was no system for remuneration of family members who provided long-term medical care to persons with disabilities.[124]

8. Minorities

59. OSCE-ODHIR noted that the Constitution provided for the right of individuals to self-identification, however, it did not make a clear reference to national minorities.[125] CoE-ACFC stated that the authorities maintained the position that they would not recognise the existence of Pomak and Macedonian minorities as such.[126] CoE-Commissioner noted that Macedonians and Pomaks were not represented in the National Council for Cooperation on Ethnic and Demographic Issues (NCCEDI).[127] CoE-ACFC stated that only three pre-defined ethnic groups (Bulgarians, Turks and Roma) were listed in the final census questionnaire, and persons who wished to declare a Macedonian or Pomak identity were reportedly discouraged or even prevented from declaring these affiliations during the census.[128]

60. CoE-ACFC stated that a number of programmes, strategies and action plans were adopted to improve the situation of Roma. However, the relevant action plans, including the National Roma Integration Strategy (NRIS) (2012-2020), were not currently funded.[129] CoE-ECRI made a similar observation and noted with concern information that the NRIS had few positive results so far.[130] It recommended that adequate funding be allocated for the effective implementation of the NRIS.[131]

61. CoE-ACFC stated that the overall situation of Roma remained one of significant socio-economic disadvantage. Many Roma continued to live in poor housing conditions,

often in areas with poor infrastructures, and to be at risk of forced eviction. The overall health status of Roma was lower than that of other citizens and there remained significant and persisting differences in the level of economic activity of Roma compared with ethnic Bulgarians.[132] CoE-ECRI[133] and CoE-Commissioner[134] made similar observations.

62. EU-FRA noted that Roma continued to face forced evictions and the dismantling of settlements.[135] CoE-Commissioner recalled that forced evictions should be avoided and when this was not possible, they should take place in full compliance with international standards, which included adequate alternative accommodation, due process and legal remedies, compensation and protection from homelessness.[136]

63. CoE-ACFC recommended that Bulgaria pursue and intensify efforts to address the socio-economic problems confronting persons belonging to minorities, particularly Roma, in fields such as housing, employment and health care.[137]

64. CoE-Commissioner noted the findings indicating that Roma children were overrepresented among children in institutional care.[138] JS5 stated that the UPR recommendation no 70[139] to set up a policy specifically aimed at reducing the number of Roma children in institutional care, was not implemented as no such specific policy was in place.[140]

65. JS5 noted that the recommendation no 97[141] called on ensuring that compulsory pre-school education covers the Roma and other minorities.[142] CoE-ECRI noted that the 2012 legal amendments introduced obligatory pre-schooling for two years.[143] JS5 stated that the 2013 legal amendments stipulated that parents whose children did not attend the compulsory pre-school education should lose child benefits. It stated that instead of depriving those parents from child benefits, a comprehensive approach and support to those parents was necessary. JS5 concluded that the recommendation no. 97 was not implemented.[144]

66. CoE-ACFC stated that the proportion of Roma pupils who did not complete secondary school or who never completed any level of education remained higher than the overall figure for the Bulgarian population.[145] CoE-ECRI regretted that although the authorities defined support for educational integration as a major priority and despite several efforts, low achievement in education persisted and drop-out rates continued to be disproportionately high among ethnic minorities, particularly Roma. It referred to a study conducted by the Commission for Protection against Discrimination, showing that discriminatory attitudes were endemic in the educational system. CoE-ECRI reiterated its conclusion of 2011 that efforts need to be pursued to remedy the educational gap between Roma and non-Roma children.[146]

67. CoE-ACFC recommended that Bulgaria pursue and intensify efforts to eliminate segregation in schooling and to promote the full integration of Roma children in mainstream schools and classes, including through measures targeted specifically at improving the access of Roma children to kindergarten, at encouraging them to remain in school until they complete their secondary education and at helping parents to support their children in this respect.[147] CoE-Commissioner made similar recommendations.[148]

68. CoE-ACFC stated that the number of pupils studying their minority language was low. Minority-language teaching was not included in the compulsory general curriculum but only offered as an element of the elective chapters of the school curriculum and no provision was made for bilingual teaching or for other subjects to be taught in minority languages. There was a shortage of up-to-date textbooks for the teaching of Turkish and Romani and since 2010 no universities offered a course for primary school teachers who will be using the Romani language.[149]

69. CoE-ACFC recommended that Bulgaria adopt measures to affirm and protect the right of persons belonging to national minorities to learn their minority language.[150] It recommended that the authorities establish clear criteria and transparent procedures in law on how and when the use of minority languages may be instituted.[151]

9. Migrants, refugees and asylum seekers

70. AI and HRW noted that Bulgaria accepted the UPR recommendation no. 10[152] to adopt a domestic legislation in accordance with the 1951 Convention on the Status of Refugees and the Optional Protocol thereto, guaranteeing efficient access to procedures for determining refugee status to persons requiring international protection.[153] AI stated that despite the endorsement of the recommendation, the situation of refugees and asylum-seekers was affected by systemic inadequacies, especially with regard to reception conditions and illegal push-back from Bulgaria.[154]

71. CoE-ECRI noted that Bulgaria faced with an increasing influx of Syrian refugees.[155] HRW stated that as the numbers of people crossing the border rose in 2013, the Government adopted a plan to reduce the number of irregular migrants and asylum seekers, included the construction of a 30-kilometer barrier wall along the most sensitive sections of the border and for increasing the number of border patrols. This containment plan succeeded in stopping the influx almost entirely.[156] JS5[157] and AI[158] made similar observations.

72. CoE-ECRI was concerned by the 2013 decision of the Government to build a 30-kilometer barrier fence on the border. Such action could jeopardise Bulgaria's international obligations under the 1951 Convention if genuine refugees were prevented from entering the territory to seek international protection.[159] EU-FRA made a similar observation.[160] CoE-ECRI recommended removing any border fences which create physical barriers to refugees seeking international protection.[161]

73. HRW stated that migrants reported of having been summarily returned—or pushed back— after crossing to Bulgaria and that a near complete shutdown of irregular border crossings occurred with the implementation of the containment plan. According to the findings of the research conducted by HRW, irregular border crossers were apprehended and summarily returned without proper procedures and with no opportunity to lodge asylum claims. Those border pushbacks sometimes involved border guards using excessive force. The asylum seekers and migrants described being beaten with truncheons, electric shocks, kicked and verbally abused by the border officials.[162]

74. AI recommended that Bulgaria halt the unlawful push-back of migrants and refugees across its boarder and conduct effective investigations into all allegations of such push-backs.[163] HRW made similar recommendations.[164]

75. AI stated that in 2013, when Bulgaria experienced a significant increase in the number of asylum-seekers and migrants, the authorities failed to take adequate measures to respond to the situation. Hundreds of people in need of international protection lived for months in sub-standard reception conditions without access to asylum procedures. The new reception centers offered inadequate living conditions.[165]

76. CoE-ECRI stated that emergency centres, effectively a detention centre, accommodated asylum seekers in tents, containers and a dilapidated building.[166] HRW stated that two detention centers for irregular migrants operated by the Ministry of Interior were guarded prison-like buildings surrounded by high walls and barbed wire. Detainees in both facilities complained about abusive, sometimes violent, treatment by guards, overcrowding and noise. Detainees complained that they had limited means to communicate with the outside world and a lack of communication with guards and other authorities.[167]

77. HRW recommended that Bulgaria stop routine detention of asylum seekers and instead provide open accommodation and ensure that all detainees in the custody of the General Directorate of the Border Police and the Ministry of Interior are treated in a humane and dignified manner and that their detention fully complies with Bulgaria's international obligations governing the administrative detention of migrants.[168]

78. HRW stated that the Law on Asylum and Refugees provided that unaccompanied minors should be appointed a legal guardian. None of the unaccompanied children interviewed in 2013 were assigned a legal guardian. HRW noted confirmation received by UNHCR that this was a common practice.[169]

79. HRW stated the authorities did not have any specialized measures to conduct age verification or age assessment of people who appeared or claimed to be children. Unaccompanied children were routinely accommodated together with adults in reception centres in poor conditions. Access to education was non-existent in the open reception centres.[170] It recommended that Bulgaria: stop detaining unaccompanied migrant children or children with their families and detain children only as a measure of last resort; do not detain children with unrelated adults; provide all unaccompanied children with appropriate legal guardians.[171]

80. AI stated that refugees continued to experience problems in accessing education, housing, health-care and other public services. In July 2014, the Government rejected the annual plan for the implementation of the National Strategy for the Integration of Beneficiaries of International Protection in Bulgaria. As a result, integration programs for refugees have stalled.[172] AI recommended that Bulgaria adopt the implementation plan for the National Strategy for the Integration and ensure that beneficiaries of international protection have access to education, housing, healthcare and livelihood opportunities.[173]

81. AI stated that refugee children faced difficulties in accessing primary education. The Schools Act required new pupils to pass an exam in Bulgarian and in other subjects.[174] It recommended that Bulgaria guarantee access to education for asylum-seeking children and refugee children without delay.[175] HRW made a similar recommendation.[176]

10. Right to development

82. The Bulgarian Platform for International Development (BPID) recommended that Bulgaria enact legislation on development cooperation and ensure participation of civil society organisation in this area.[177]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

AI	Amnesty International, London (United Kingdom of Great Britain and Northern Ireland);
HRW	Human Rights Watch, New York (United States of America);
BFPA	Bulgarian Family Planning and Sexual Health Association, Sofia (Bulgaria);
BPID	Bulgarian Platform for International Development, Sofia (Bulgaria).

Joint submissions:

JS1	Joint submission 1 submitted by: Gender Alternatives Foundation (Bulgaria) and the Sexual Rights Initiative (a coalition of organizations from Canada, Poland, India, Argentina and Africa);
JS2	Joint submission 2 submitted by: Bulgarian Gender Research Foundation in cooperation (Bulgaria) in cooperation with Compassion Alzhemer's Foundation (Bulgaria) ;
JS3	Joint submission 3 submitted by: Advocates for Human Rights (USA) and Bulgaria Gender Research Foundation (Bulgaria) in cooperation with the Alliance for Protection against Domestic Violence (Bulgaria);
JS4	Joint submission 4 submitted by: National Network of Health Mediators, Bulgarian Family and Sexual Association and Ethnic Minorities Health Problems Foundation, Sofia (Bulgaria);
JS5	Joint submission 5 submitted by: National Network for Children – an alliance of 124 civil society organisations (Bulgaria).

Regional intergovernmental organization(s):

CoE	Council of Europe, Strasbourg (France); Attachments: (CoE-Commissioner) Letter of Mr. Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe to the Minster of Foreign Affairs of Bulgaria, Strasbourg, 24 January, 2012, CommHR/SG/sf 002-2012; (CoE-GRETA) Group of Experts on Action against Trafficking in Human Beings, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bulgaria, First Evaluation Round, Strasbourg, 14 December, 2011; GRETA (2011)19; (CoE-ECRI) European Commission against Racism and Intolerance Report on Bulgaria, adopted in June 2014 and published in September, 2014 CRI (2014)36; (CoE-ACFC) Advisory Committee on The Framework Convention For The Protection Of National Minorities, Strasbourg, Third Opinion on Bulgaria adopted on 11 February, 2014 ACFC/OP/III (2014) 001; (CoE-CPT Report of December 2012) Report to the Bulgarian Government on the visit to Bulgaria carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 4 to 10 May, 2012, which was published on 4 December 2012, CPT/Inf (2012)32; (CoE-CPT Report of March 2012) Report to the Bulgarian Government on the visit to Bulgaria carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 18 – 29 October 2010 which was published on 15 March 2012, CPT/Inf (2012)9.
EU-FRA	European Union Agency for Fundamental Rights, Vienna (Austria);
OSCE-ODIHR	Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe, Warsaw, Poland; Attachments:

(OSCE/ODIHR: Report 2013) Election Assessment Mission Final Report, Early Parliamentary Elections on 12 May, 2013, Warsaw, 25 July, 2013; (OSCE/ODIHR: Report 2011) Limited Election Assessment Mission Final Report, Presidential and Municipal Elections on 23 and 30 October 2011, Warsaw, 5 January 2012.

[2] The following abbreviations have been used in the present document:

ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ECHR	Convention for the Protection of Human Rights and Fundamental Freedoms.

[3] JS1, para. 9.
[4] JS5, p. 11.
[5] JS1, paras. 7 and 8. See also CoE-ECRI, para. 2.
[6] CoE-Commissioner, para. 19.
[7] COE-ECRI, para. 90.
[8] For the full text of the recommendation see A/HRC/16/9, para. 80.110 (Norway).
[9] JS5, p. 4.
[10] JS1, para. 3. See also JS2, p. 3 and JS5, p. 5.
[11] JS1, para. 6. See also JS2, p. 3 and JS5, p. 5.
[12] JS1, para. 11. See also JS2, p. 2.
[13] JS1, para. 5.
[14] JS2, p. 4.
[15] JS1, para. 12.
[16] CoE-ACFC, Executive Summary. See also para. 13.
[17] CoE-ECRI, para. 31. See also AI, p. 3.
[18] EU-FRA, p. 5 and Fundamental Rights: Challenges and achievements in 2012 : Annual Report, p. 20.
[19] CoE-ECRI, Summary, p. 9.
[20] CoE-ECRI, Summary, p. 9.
[21] CoE-Commissioner, para. 21. See also para. 15.
[22] CoE-ACFC, Executive Summary. See also para. 14.
[23] AI, p. 3.
[24] AI, p. 1.
[25] CoE-ECRI, Summary, p. 9. See also paras. 58 and 59.
[26] CoE-ECRI, Summary, p. 9. See also CoE-ACFC, para. 14.
[27] For the full text of the recommendations see A/HRC/16/9, recommendation 80.39 (Algeria), recommendation 80.40 (Mexico), recommendation 80.41 (Malaysia) and recommendation 80.42 (Czech Republic).
[28] AI, p. 1.
[29] CoE-ACFC, Executive Summary.
[30] AI, p. 4.
[31] COE-ECRI, para. 39.
[32] CoE-Commissioner, paras 21 and 15.
[33] CoE-ECRI, Summary, p. 10 and para. 15.
[34] CoE-ACFC, paras. 70 and 71.
[35] CoE -ECRI, Summary, p. 10 and para. 46.
[36] CoE-ECRI, Summary, p. 9. See also paras. 31 and 32 and CoE-ACFC, Executive Summary.
[37] EU-FRA, p. 3, Fundamental Rights : Challenges and achievements in 2013: Annual Report 2013, p. 152.
[38] CoE-ECRI, para. 33.
[39] CoE-ECRI, Summary, p. 10 and para. 26.
[40] AI, p. 3.
[41] CoE-ECRI, Executive Summary.
[42] CoE-ECRI, Summary, p. 10 and para. 49.
[43] CoE-ECRI, Summary, p. 9.
[44] AI, p.3.
[45] CoE-ECRI, Summary, p. 10 and paras. 123 and 106.

[46] CoE-ECRI, Summary, p. 10 and paras. 120 and 108.
[47] For the full text of the recommendation see A/HRC/16/9, recommendation 80.58 (Norway).
[48] JS5, p. 6. See also CoE-Commissioner, para. 3.
[49] CoE-CPT Report of December 2012, para. 17.
[50] CoE-CPT Report of March 2012, para. 14.
[51] CoE-CPT Report of December 2012, para. 10 and CoE, p. 2.
[52] CoE-CPT Report of December 2012, para. 12. See also CoE-CPT Report of December 2012, para. 85.
[53] CoE-CPT Report of December 2012, para. 11. See also CoE-CPT Report of March 2012, para. 84.
[54] CoE-CPT Report of December 2012, paras. 42-43.
[55] CoE-CPT Report of December 2012, para. 51.
[56] CoE-CPT Report of March 2012, para. 89. See also CoE-CPT Report of December 2012, para. 19.
[57] CoE-CPT Report of December 2012, para. 32. See also CoE-CPT Report of March 2012, para. 116.
[58] CoE-CPT Report of March 2012, para. 119.
[59] JS3, para. 1.
[60] JS1, para. 29. See also JS5, p. 5.
[61] JS3, para. 15. See also JS1, para. 15.
[62] JS3, para. 13. See also JS1, para. 22.
[63] JS1, paras. 16. See also JS3, para. 17.
[64] JS3, para. 17. See also JS1, para. 23.
[65] JS3, para. 18.
[66] JS3, para. 19.
[67] JS1, paras. 13.
[68] JS1, para. 30. See also JS3, p. 10.
[69] JS3, p. 9.
[70] JS2, p. 4.
[71] JS3, p. 9.
[72] JS1, para. 48.
[73] JS1, para. 55.
[74] JS2, p. 4.
[75] For the full text of the recommendation see A/HRC/16/9, recommendation 80.51 (Brazil).
[76] JS5, p. 5.
[77] CoE-GRETA, p. 7, and paras. 10 and 113.
[78] For the full text of the recommendation see A/HRC/16/9, recommendation 80.57 (Republic of Moldova).
[79] JS5, p. 6. See also JS2, p. 4.
[80] CoE-GRETA, para. 118. See also para. 100.
[81] CoE-GRETA, para. 71.
[82] CoE-GRETA, para. 119.
[83] CoE-GRETA, para. 120.
[84] CoE-GRETA, p. 7.See also para. 128.
[85] CoE-GRETA, para. 208.
[86] COE-GRETA, para. 195.
[87] CoE-GRETA, p. 7and para. 169. See also JS2, p. 4.
[88] CoE-GRETA, para. 188.
[89] JS1, para. 25.
[90] CoE-CPT Report of March 2012, para. 22.
[91] CoE-Commissioner, para. 19.
[92] CoE-CPT Report of March 2012, para. 149. See also CoE-CPT Report of December 2012, para. 62.
[93] For the full text of the recommendations see A/HRC/16/9, the recommendation 80.64(Nigeria) and the recommendation no 80.67 (Hungary).
[94] JS5, pp. 4, 6 and 7.
[95] CoE-CPT Report of December 2012 , para. 13.
[96] CoE-Commissioner, paras. 2-3.
[97] For the full text of the recommendation see A/HRC/16/9, recommendation 80.15 (Norway).
[98] JS5, p. 5.

[99] For the full text of the recommendation see A/HRC/16/9, recommendation 80.20 (Belgium).
[100] JS5, pp. 2-3.
[101] OSCE-ODIHR Report of 2013, pp. 14-15.
[102] OSCE-ODIHR Report of 2013, p. 15.
[103] CoE-ACFC, Executive Summary, p. 2.
[104] OSCE-ODIHR Report of 2013, p. 17.
[105] CoE-ACFC, para. 141. See also OSCE-ODHIR Report of 2011, p. 27, para. 28.
[106] CoE-ACFC, Executive Summary.
[107] EU-FRA, p. 3, The Rights to Political Participation for Persons with disabilities: human rights indicators (2014), p. 41.
[108] JS2, paras. 5.1 and 5.3.
[109] JS1, para. 61.
[110] JS4, p. 1.
[111] JS1, para. 53.
[112] JS1, para. 47. See also JS4, p. 2.
[113] JS4, p. 2. See also JS1, paras. 64, 65 and 66.
[114] CoE-ECRI, para. 118.
[115] JS1, paras. 44 and 68. See also JS4, pp. 2-3.
[116] JS4, p. 2.
[117] JS1, para. 62. See also JS2, para. 4.2.
[118] BFPA, p. 1.
[119] BFPA, p. 2.
[120] For the full text of the recommendation see A/HRC/16/9, recommendation 80.19 (Slovakia).
[121] JS5, p. 2.
[122] For the full text of the recommendation see A/HRC/16/9, recommendation 80.98 (Slovenia).
[123] JS5, p. 4.
[124] JS2, paras. 2.1, 2.2 and 2.3.
[125] OSCE-ODHIR Report of 2013, p. 16 and OSCE-ODHIR Report of 2011, p. 17.
[126] CoE-ACFC, para. 9.
[127] CoE-Commissioner, para. 20.
[128] CoE-ACFC, para. 10.
[129] CoE-ACFC, Executive Summary.
[130] CoE-ECRI, paras. 76 and 78. See also CoE-Commissioner, para. 16.
[131] CoE-ECRI, Summary, p. 10. See also CoE-ACFC, Executive Summary.
[132] CoE-ACFC, para. 19. See also EU-FRA, pp.11, 12 and 13 and OSCE-ODHIR Report of 2013, p. 17.
[133] CoE-ECRI, para. 76.
[134] CoE-Commissioner, para. 9.
[135] EU-FRA, p. 6 and Fundamental Rights: Challenges and achievements in 2012: Annual Report, p. 198.
[136] CoE-Commissioner, para. 12.
[137] CoE-ACFC, Executive Summary.
[138] CoE-Commissioner, para. 5.
[139] For the full text of the recommendation see A/HRC/16/9, recommendation 80.70 (Canada).
[140] JS5, p. 3.
[141] For the full text of the recommendation see A/HRC/16/9, the recommendation 80.97 (Finland).
[142] JS5, p. 3.
[143] CoE-ECRI, Summary, p. 9.
[144] JS5, p. 3.
[145] CoE-ACFC, para. 19. See also EU-FRA, pp.11, 12 and 13 and OSCE-ODHIR Report of 2013, p. 17.
[146] COE-ECRI, paras. 97, 98 and 100.
[147] CoE-ACFC, p. 46.
[148] CoE-Commissioner, para. 14.
[149] CoE-ACFC, Executive Summary and para. 17.
[150] CoE-ACFC, Executive Summary.
[151] CoE-ACFC, paras. 106.
[152] For the full text of the recommendation see A/HRC/16/9, recommendation 80.10 (Argentina).

[153] AI, p. 1 and HRW, p. 1.
[154] AI, p. 1.
[155] CoE-ECRI, para. 102.
[156] HRW, pp. 1-2.
[157] JS5, p. 10.
[158] AI, pp. 2-3.
[159] CoE-ECRI, para. 103.
[160] EU-FRA, p. 3 and Fundamental Rights: Challenges and achievements in 2013: Annual Report 2013, pp. 64-65.
[161] CoE-ECRI, para. 104.
[162] HRW, p. 2.
[163] AI, p. 4.
[164] HRW, p. 5.
[165] AI, p. 2.
[166] CoE-ECRI, para. 102.
[167] HRW, p. 3.
[168] HRW, p. 6. See also AI, p. 4.
[169] HRW, p. 4.
[170] HRW, p. 4.
[171] HRW, p. 6.
[172] AI, p. 3.
[173] AI, p. 4. See also HRW, p. 6.
[174] AI, p. 3.
[175] AI, p. 4.
[176] HRW, p. 6.
[177] BPID, p. 2.